

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FREE SPEECH COALITION, INC. et al.,

Plaintiffs,

v.

JEFFERSON B. SESSIONS, III,
Attorney General,

Defendant.

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) Civil Action No. 2:09-4607

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) Judge Michael M. Baylson

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DECLARATION OF JANINE JOHANSEN

I, Janine Johansen, declare as follows:

1. I am a Lead Paralegal Specialist at the U.S. Department of Justice, Civil Division, Federal Programs Branch. I have been in this position for 7 years. I am currently assisting Government attorneys representing the Defendant in the Free Speech Coalition v. Sessions case, in which plaintiffs challenge the constitutionality of 18 U.S.C. §§ 2257 and 2257A.

2. Kathryn Wyer, one of the attorneys representing the Government in this case, asked me to conduct a search for software or other digital tools that are advertised as helping producers of sexually-explicit material to comply with §§ 2257 and 2257A. By using the Google search engine to search for “2257 compliance software” and “2257 compliance tools,” I identified the following tools:

3. The website <https://2257snap.com/> advertises a web-based application where “[a]ll of the cross linking is done automatically and per the requirements of” 2257.

The description on the website also states that subscribers can upload content that will be automatically compressed to minimize the amount of data stored. The website advertises five different plans from 10 GB at \$240/year to up to 100 GB at \$149.99/month, as well as custom plans.

4. The website <http://www.2257sentry.com/> advertises 2257 recordkeeping services at four different levels from 5 GB for \$99 setup cost + \$19.95/month to 25 GB or more for \$99 setup cost + \$99.95/month.

5. The websites <http://www.my2257.com/> and <http://www.zei2257.com/d> advertise electronic 2257 records management software that can be installed as a desktop application. According to the website, “[i]ntuitive interfaces allow users of any level of computer experience to create, capture and manage records quickly and accurately from a familiar ‘Point & Click’ Windows® desktop environment.” The website offers two different editions of the software. The fees for the smaller organization edition are a one-time \$795 licensing fee (minus a \$150 discount for Free Speech Coalition members) and a \$45/month maintenance fee. The fees for the larger organization edition are a one-time \$2995 licensing fee (minus a \$300 discount for FSC members) and a \$165/month maintenance fee.

6. The website <http://www.heliosdatasystems.com/aboutus.php> advertises a “web-centric” 2257 compliance system that “allows Studios, Webmasters and Affiliates a way to share 2257 records without releasing confidential information or jeopardizing a models personal privacy rights.” The website does not provide pricing information online.

7. The website <http://www.quick2257.com/> advertises an application that can be installed on a mobile device. The website contains a quote from XBiz stating “Quick2257 allows anyone with an iPhone or iPad to create the necessary performer records and transmit them to the records custodian in minutes.” According to the website, the app allows a producer to collect the information required by 2257, including images of “the front and back of the performer’s picture ID card using the device camera,” and to use the device’s email to send a pdf containing the required information to the producer’s records custodian. The website contains links to the Apple App Store and Google Play, where the application can be purchased for \$0.99.

Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge and belief.

Executed on January 4, 2018
Washington, D.C.



JANINE JOHANSEN